

REMARKS

This Amendment is responsive to the Office Action dated July 20, 2004. Claims 1-78 were pending in the application. In the Office Action, claims 1-78 were rejected. In this Amendment, claims 1-4, 6-9, 11-13, 18-20, 25-28, 30-33, 35-37, 41-46, 50-55, 60-62, 67, 68, 72-74 and 78 have been amended. Claims 1-78 thus remain for consideration.

Applicant submits that claims 1-78 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§101 Rejections

Claims 30-34 and 67-72 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicant has amended claims 30 and 67 (claims 31-34 and 68-72 depend from claims 30 and 67, respectively) and submits that claims 30-34 and 67-72 are now directed to statutory subject matter. Accordingly, Applicant requests that the rejection under §101 be withdrawn.

§102 and §103 Rejections

Claims 1-24 and 30-34 were rejected under 35 U.S.C. §102(e) as being anticipated by Cornog et al. (U.S. Patent No. 6,337,880 B1).

Claims 25-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cornog et al.

Claims 35-78 were rejected under 35 U.S.C. §103(a) as being unpatentable over Saeijs et al. (U.S. Patent No. 5,596,581) in view of Cornog et al.

Applicant respectfully submits that the independent claims (claims 1, 6, 11, 18, 25, 30, 35, 44, 53, 60, 67 and 73) are patentable over Cornog and Saeijs.

Applicant's invention as recited in the independent claims is directed toward a recording apparatus and method, to a reproducing apparatus and method, and to a computer program being executed on the recording apparatus and reproducing apparatus. Each of the claims recites (i) a plurality of packetized programs and (ii) a plurality of tables, each table having addresses for each of said packet identification information. Supporting disclosure for such limitations can be found throughout the specification.

Neither Cornog nor Saeijs discloses (i) a plurality of packetized programs and (ii) a plurality of tables, each table having addresses for each of said packet identification information, as instantly claimed. Cornog and Saeijs merely disclose one multiplexed bit stream that includes only one program, not multiple programs. Also, Cornog and Saeijs merely disclose the creation of one table, not a plurality of tables each corresponding to different program identification.

Accordingly, Applicant believes that claims 1, 6, 11, 18, 25, 30, 35, 44, 53, 60, 67 and 73 are patentable over Cornog and Saeijs – taken either alone or in combination – on at least this basis.

Furthermore, since dependent claims inherit the limitations of their base claims, dependent claims 2-5, 7-10, 12-17, 19-24, 26-29, 31-34, 36-43, 45-52, 54-59, 61-66, 68-72 and 74-78 are believed to be allowable for at least the same reasons discussed in connection with the independent claims 1, 6, 11, 18, 25, 30, 35, 44, 53, 60, 67 and 73.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.


The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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